

# MANDATE

08-5556-cv

Colliton v. Cravath, Swaine and Moore LLP

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

## SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO SUMMARY ORDERS FILED AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY THIS COURT'S LOCAL RULE 32.1 AND FEDERAL RULE OF APPELLATE PROCEDURE 32.1. IN A BRIEF OR OTHER PAPER IN WHICH A LITIGANT CITES A SUMMARY ORDER, IN EACH PARAGRAPH IN WHICH A CITATION APPEARS, AT LEAST ONE CITATION MUST EITHER BE TO THE FEDERAL APPENDIX OR BE ACCOMPANIED BY THE NOTATION: "(SUMMARY ORDER)." A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF THAT SUMMARY ORDER TOGETHER WITH THE PAPER IN WHICH THE SUMMARY ORDER IS CITED ON ANY PARTY NOT REPRESENTED BY COUNSEL UNLESS THE SUMMARY ORDER IS AVAILABLE IN AN ELECTRONIC DATABASE WHICH IS PUBLICLY ACCESSIBLE WITHOUT PAYMENT OF FEE (SUCH AS THE DATABASE AVAILABLE AT [HTTP://WWW.CA2.USCOURTS.GOV](http://www.ca2.uscourts.gov)). IF NO COPY IS SERVED BY REASON OF THE AVAILABILITY OF THE ORDER ON SUCH A DATABASE, THE CITATION MUST INCLUDE REFERENCE TO THAT DATABASE AND THE DOCKET NUMBER OF THE CASE IN WHICH THE ORDER WAS ENTERED.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, in the City of New York, on the 16<sup>th</sup> day of December, two thousand nine.

Present:

JOSEPH M. McLAUGHLIN,  
ROBERT A. KATZMANN,  
GERARD E. LYNCH,  
*Circuit Judges.*



JAMES COLLITON,

*Plaintiff-Appellant,*

v.

No. 08-5556-cv

CRAVATH, SWAIN & MOORE, LLP,

*Defendant-Appellee.*

Issued as Mandate:

JAN 14 2010

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For Plaintiff-Appellant: JAMES COLLITON, *pro se*, Poughkeepsie, NY

For Defendant-Appellee: ROBERT H. BARON (Stuart W. Gold, *on the brief*), Cravath, Swain  
& Moore LLP, *pro se*, New York, NY

Appeal from the United States District Court for the Southern District of New York  
(Buchwald, J.).

**ON CONSIDERATION WHEREOF**, it is hereby **ORDERED, ADJUDGED**, and  
**DECREED** that the judgment of the District Court be and hereby is **AFFIRMED**.

Substantially for the reasons stated in the District Court's Memorandum and Order dated  
September 23, 2008, we conclude that the Defendant-Appellee's motion to dismiss the complaint  
was properly granted. Accordingly, we **AFFIRM** the judgment of the District Court.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: Richard Alcantara  
Richard Alcantara, Deputy Clerk

**A TRUE COPY**  
Catherine O'Hagan Wolfe, Clerk

by Noraset Jain  
DEPUTY CLERK